

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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ECHOSTAR SATELLITE L.L.C. et al.,

Plaintiffs,

-against-

VIEWTECH, INC. et al.,  
Defendant.

MEMORANDUM AND ORDER

10-MC-00102 (KAM) (JO)

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**MATSUMOTO, United States District Judge:**

Presently before the court is a Report and Recommendation issued by Magistrate Judge James Orenstein on July 14, 2010, recommending that the court grant plaintiffs' application for an order compelling non-party Factory Direct Products, Inc. ("FDPI") to comply with a subpoena and requiring Bruce A. Rothenberg, FDPI's registered agent and counsel, to provide the subpoena to FDPI's principals, or, if he is unable to do so, to specify the steps taken to provide the subpoena to FDPI's principals and to provide the names of and last contact information for all of FDPI's principals.

Notice of the Report and Recommendation was sent electronically to all parties appearing on the docket, including Mr. Rothenberg,<sup>1</sup> via the court's electronic filing system on July 14, 2010. As explicitly noted at the end of the Report and

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<sup>1</sup> Although Mr. Rothenberg did not file an official notice of appearance in this case, he registered to receive notice of electronic case filings via the court's electronic filing system, appears on the docket as "Respondent, Attorney for defunct corporation," and has filed papers electronically. (See generally 10-MC-00102 docket; Doc. No. 6, Response to Order to Show Cause.)

Recommendation, any objections to the Report and Recommendation were to be filed by July 28, 2010. (Doc. No. 8, Report and Recommendation at 3.) The statutory period for filing objections has expired, and no objections to Magistrate Judge Orenstein's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a careful review of the Report and Recommendation, and considering that FDPI's registered agent and counsel, Mr. Rothenberg, has failed to object to any of Magistrate Judge Orenstein's well-reasoned recommendations, the court finds no clear error in Magistrate Judge Orenstein's Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court. An Order granting plaintiffs' motion to compel is concurrently being filed with this Memorandum & Order.

The Clerk of the Court is respectfully requested to serve a copy of this Memorandum and Order, the Report and Recommendation, and accompanying Order granting plaintiff's motion to compel on Mr. Rothenberg, and to close the case. The court will retain jurisdiction to ensure compliance with the Order to Compel.

**SO ORDERED.**

Dated: August 23, 2010  
Brooklyn, New York

/s/  
Kiyo A. Matsumoto  
United States District Judge